

By [Julian Walker](#)

The Virginian-Pilot

© November 1, 2013

One by one, local sheriff and police officials at the attorney general's Richmond headquarters last month got a handshake and a cardboard check from Ken Cuccinelli for mental health crisis training. A few hours later that same day, Cuccinelli was about 70 miles southeast in Newport News playing a different role. At a campaign event, the Republican candidate for governor derided opponent Terry McAuliffe's spending plans as vague and unaffordable.

That same-day juxtaposition - attorney general in the morning, candidate in the afternoon - shows seesawing commitments that lately have tipped the balance of Cuccinelli's campaign.

A Virginian-Pilot analysis of Cuccinelli's office and campaign schedules for July, August and part of September suggests he has spent more time on the trail than behind his desk while earning a \$150,000 annual state salary, plus health benefits for his nine-member family.

According to the schedules, he was in his office seven of 22 work days in July, four of 22 days in August, and just three of nine the first two weeks of September. That equates to roughly 26 percent of the total work days over that period.

The schedules obtained through an open-records request often list him doing "OAG Document and Email Review/Return Phone Calls" at various times on other days. Attorney General's Office spokesman Brian Gottstein said the schedules give an incomplete picture of work being done by the multitasking Cuccinelli - whose output, he said, is greater than ever.

"Attorney General Cuccinelli dedicates about 50-70 hours a week to official business - whether in the office or traveling the state," said Gottstein, noting staffers routinely meet or interact with him long before and after typical working hours.

To show Cuccinelli isn't falling behind on his official duties, Gottstein pointed out that the 130 legal opinions "personally written" by the attorney general this year surpass the total from the office each of the two previous years.

"While Mr. Cuccinelli has a tough campaign schedule like any other elected official running for public office, he would have the same schedule if he were running for re-election as AG," he said.

Remaining attorney general while seeking higher office has given Cuccinelli a platform, but also been a nagging campaign issue, as evidenced by his physical absences.

The campaign also has been hampered by the gift scandal orbiting Cuccinelli and his office, as well as its role in a legal dispute between Southwest Virginia landowners and energy companies over natural gas payments. Those episodes allowed critics to cry conflict, charges Cuccinelli could have more easily avoided if he'd left office, and undercut an argument that McAuliffe is unscrupulous.

"It helped chip away at what was his strength: He was the ethical, upstanding guy," Christopher Newport University political science professor Quentin Kidd said of Cuccinelli.

Sticking around allowed Cuccinelli to take credit for getting Virginia \$115 million from a major Medicaid fraud settlement and passing a portion of that money to local law enforcement. But Kidd contends "any platform he had by staying on office wasn't worth the damage it did to him."

His decision proved a boon for Virginia Democrats already loaded to hit Cuccinelli for his views on gay rights, abortion and climate change, all demonstrated during his high-profile tenure as attorney

general. They have hounded him since January to resign - a state tradition followed by the six prior attorneys general who ran for governor - and they gained ammunition when he stayed.

Problems arising from his choice surfaced in March as the gift scandal involving Star Scientific Inc. CEO Jonnie Williams Sr. and Gov. Bob McDonnell became public. Cuccinelli also received gifts from Williams, though on a smaller scale than the governor, and moved to erase them when he later gave a like amount to charity.

He received \$18,000 from the controversial donor - about \$5,000 of which Cuccinelli said he mistakenly failed to report, along with company stock he once owned. He was cleared of wrongdoing by the Richmond commonwealth's attorney for the disclosure oversights.

Also troubling were tangential events underscoring the gift connection.

Democrats complained when Star-initiated litigation over a \$1.7 million tax dispute with the state sat dormant in Cuccinelli's office for nearly two years before outside counsel took over.

They criticized more when the tab for outside lawyers hired to represent the governor and other state personnel and agencies in another Star spinoff case recently eclipsed \$240,000. Those private attorneys were hired as McDonnell's former chef faced prosecution on accusations of stealing state goods, a case that settled last month when the chef pleaded no contest to reduced charges.

Cuccinelli withdrew from the case before then, in May, after his office had decided to move ahead with prosecution, and after the chef connected McDonnell to Williams for investigators.

His involvement in the natural-gas-royalties case was less direct, but he still suffered for it because a staff attorney advised lawyers for energy companies party to it. One of those companies gave Cuccinelli's campaign more than \$100,000.

At issue in the long-running dispute is who has legal claim to the gas found in coal formations: the energy companies with mineral rights or the landowners.

A subsequent investigation by the state inspector general found that some of the information sharing by the state attorney involved, in her capacity as counsel to the Virginia Gas and Oil Board, was inappropriate.

That issued proved handy fodder for McAuliffe and his allies who used it in campaign ads intended to drive down Cuccinelli's support in Southwest Virginia, a traditional Republican stronghold.

Julian Walker, 804-697-1564, julian.walker@pilotonline.com